

## Informational Letter

### Section 1

<b>Transmittal:</b>	06-INF-23
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Employment and Transitional Supports
<b>Date:</b>	June 26, 2006
<b>Subject:</b>	LDSS-4579: "Alien Eligibility Desk Aid" (Rev. 6/06)
<b>Suggested Distribution:</b>	Temporary Assistance Directors, Food Stamp Directors, Medical Assistance Directors, Domestic Violence Liaisons, Staff Development Coordinators
<b>Contact Person(s):</b>	Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344
<b>Attachments:</b>	LDSS-4579: "Alien Eligibility Desk Aid"
<b>Attachment Available On – Line:</b>	x

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 ADM-23 97 ADM-25 98 INF-5 00 INF-13 03 INF-23 04 ADM- 08 06 INF-14		Part 349.3	P.L 107-171		

### Section 2

#### I. Purpose

The purpose of this Information Letter is to introduce a newly revised LDSS-4579: "Alien Eligibility Desk Aid" (Rev. 6/06).

#### II. Background

The LDSS - 4579: "Alien Eligibility Desk Aid" was originally developed to assist local district staff in identifying satisfactory alien statuses as established under the federal Immigration and Nationality Act and relate specific statuses to an alien's eligibility for Temporary Assistance (TA), Food Stamps(FS) and/or Medical Assistance (MA).

The Desk Aid lists the benefit program eligibility for most common alien statuses as established under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, the New York State

Welfare Reform Act of 1997, the Agricultural Research, Extension, and Education Act (AREERA) of 1998, and the Food Stamp Reauthorization Act 2002. The attached desk aid will provide district staff with a ready reference on the common immigration documents an alien domestic violence victim will need, when a victim would have to agree to see the DVL, the relative date for eligibility and the specific benefits alien victims can receive. The desk guide is intended to supplement existing policy regarding the eligibility of aliens set forth in federal and state statute and OTDA regulations and policy issuances to local social services districts.

This June 2006 revision of the LDSS-4579 includes further clarification regarding the benefit eligibility of domestic violence victims that was explained in 06-INF-14, Battered Aliens Eligibility for Benefits. The revisions were made to the TA and FS programs only.

### **III. Program Implications**

The Desk Aid should assist districts to administer the Temporary Assistance, Food Stamp and Medical Assistance Programs.

### **IV. Forms Information**

As in previous printings, the revised desk aid will be printed on green cardstock. We expect that the revised desk aid should be delivered to the Albany Warehouse sometime in September, 2006.

Local districts will automatically receive initial supplies of this form.

Any requests for additional supplies of the LDSS-4579: "Alien Eligibility Desk Aid", should be submitted on OTDA-876 (Rev. 6/98): "Request for Forms or Publications" form, and should be sent to:

Office of Temporary and Disability Assistance  
Document Services  
P.O. Box 1990  
Albany, New York 12201

Questions concerning ordering forms should be directed to Document Services at 1-800-343-8859, ext. 4-9522.

Documents may also be ordered through Outlook. To order the forms you must obtain OTDA- 876 electronically by going to the OTDA Intranet E-Forms Website at [http://otda.state.nyenet/ldss\\_eforms/default.htm](http://otda.state.nyenet/ldss_eforms/default.htm) (this page contains the electronic OTDA-876).

For those who do not have Outlook but who have Internet access for sending and receiving email, the Internet email address is [gg7359@dfa.state.ny.us](mailto:gg7359@dfa.state.ny.us). For a complete list of available forms, please refer to the OTDA Intranet E-Forms Website at [http://otda.state.nyenet/ldss\\_eforms/default.htm](http://otda.state.nyenet/ldss_eforms/default.htm).

**Issued By** \_\_\_\_\_  
**Name:** Russell Sykes  
**Title:** Deputy Commissioner  
**Division/Office:** Division of Employment and Transitional Supports

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Refugees	R	<u>I-94</u> : stamped "Admitted under Section 207 of the INA," "Refugee," "RE1, RE2, RE3, RE4" or <u>I-551</u> : stamped "R8-6, RE5, RE6, RE7, RE8 or RE9" or <u>I-571</u> : Refugee Travel Document or <u>I-688B</u> : Employment Authorization Document annotated with "8 C.F.R. § 274a.12(a) (3)" or <u>I-766</u> : Employment Authorization Document annotated "a3"	Entry	Yes			
Cuban/Haitian Entrants	H	<u>I-94</u> : stamped "Cuban/Haitian Entrant (status pending)," "Section 212(d) (5) of the INA," "Form I-589 filed," or "CU6," or CU7" or <u>I-94</u> stamp showing parole under Section 212(d)(5) of INA or stamp showing parole in US on or after 10/10/80 and reasonable evidence that parolee has been a National (citizen) of Cuba or Haiti <sup>2</sup> or <u>I-551</u> : stamped "CU6, CU7, or CH6" or Temporary <u>I-551</u> stamp in foreign passport. or USCIS notice or letter indicating ongoing exclusion or deportation proceedings or A document from USCIS indicating individual applied for asylum.	Status Granted				
Asylees	A	<u>I-94</u> : stamped "Granted asylum under Section 208 of the INA" or <u>I-551</u> : Stamped "AS1, AS2, AS3, AS6, AS7, or AS8" or <u>I-688B</u> : Employment Authorization Card annotated with "8 C.F.R. § 274a.12(a)(5)" or <u>I-766</u> : Employment Authorization Document annotated "(a5)" or Grant letter from USCIS Asylum Office or Order of an immigration judge granting asylum.					

<sup>1</sup>REMINDER: For Medicaid, undocumented immigrants and non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid *at any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

<sup>2</sup>EXCEPTION: This guideline does not apply when the individual was paroled solely to testify as a witness in a judicial, administrative or legislative proceeding or when the parolee is in legal custody pending criminal prosecution.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Amerasian Immigrants	R	<p><b><u>I-94</u></b>: stamped “AM1, AM2, AM3, AM6, AM7, or AM8.” Derive date of entry from date of inspection on stamp; if date is missing, obtain from I-551 or from USCIS</p> <p><b>or</b></p> <p><b><u>I-551</u></b>: stamped “AM1, AM2, AM3, AM6, AM7, or AM8”</p> <p><b>or</b></p> <p>Temporary <b><u>I-551</u></b> stamp in foreign passport</p> <p><b>or</b></p> <p><b><u>1-571</u></b>: Refugee Travel Document</p> <p><b>or</b></p> <p>Vietnamese exit visa or passport stamped “AM1, AM2, or AM3”</p>	Entry	Yes			
Deportation or Removal Withheld	J	<p><b><u>I-688B</u></b>: Employment Authorization Card annotated with “8 C.F.R. § 274a.12(a)(10)”</p> <p><b>or</b></p> <p><b><u>I-766</u></b>: Employment Authorization Document annotated “(a10)”</p> <p><b>or</b></p> <p>Order from Immigration Judge showing the date deportation was withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of INA</p>	Status Granted				
Certain Hmong or Highland Laotian	Z	<p><b><u>I-94</u></b>: stamped “Admitted under Section 207 of the INA,” “Refugee,” “RE1, RE2, RE3, or RE4”</p> <p><b>or</b></p> <p><b><u>INS I-551</u></b>: Stamped “RE5, RE6, RE7, RE8, or RE9”</p> <p><b>or</b></p> <p>Has a signed affidavit sworn under penalty of law that s/he was a member of Hmong or Highland Laotian tribe between 8/5/64 and 5/7/75 or a verified spouse*, widow, widower or unmarried dependent of a tribal member</p> <p><b>and</b></p> <p>Documents to show lawfully residing in the US</p> <p><b>*Divorced spouses do not qualify</b></p>					

<sup>1</sup>REMINDER: For Medicaid, undocumented immigrants and non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid *at any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
* Lawfully Admitted For Permanent Residence (LPR) <u>with</u> 40 Qualifying Quarters	S	<u>I-551</u> : (Permanent Resident Card)  or Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u>	Entered Before 8/22/96	Yes			
		or <u>I-327</u> : (Re-entry Permit)  or <u>I-181</u> : Memorandum of Creation of Lawful Permanent Residence with approval stamp and <b>Proof of qualifying quarters</b>	Entered On/After 08/22/96	Yes	Yes, after 5 years in US in a qualified status		Yes
Lawfully Admitted For Permanent Residence (LPR) <u>without</u> 40 Qualifying Quarters	K	<u>I-551</u> : (Permanent Resident Card)  or Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u>	Entered Before 8-22-96	Yes			
		or <u>I-327</u> (Re-entry Permit)  or <u>I-181</u> : Memorandum of Creation of Lawful Permanent Residence with approval stamp	Entered On or After 08/22/96	Yes	Yes, after 5 years in US in a qualified status	Yes	Yes if: <ul style="list-style-type: none"> <li>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or</li> <li>After five years in US in a qualified status or</li> <li>In a qualified status and under age 18</li> </ul>
Veteran, spouse, unmarried surviving spouse and unmarried dependent child of a U.S. veteran who fulfilled minimum active duty requirement (2 years)	V	A Discharge Certificate ( <u>Form DD-214</u> ) that states "Honorable." A character of discharge "Under Honorable Conditions" is not an "Honorable Discharge" for these purposes. Narrative Reason for Separation block must not state that discharge was for reason of "alienage" or lack of U.S. citizenship	Status Granted	Yes			
Active Military: Active duty or a member of the Armed Forces on full-time duty in the Army, Navy, Air Force, Marine Corps or Coast Guard, spouse and children	M	Military Identification Card ( <u>DD Form 2</u> ) (Active) that lists an expiration date of more than one year from the date of determination. If ID card is due to expire within one year from the date of determination, use a copy of current military orders.	Status Granted	Yes			
Conditional Entrant (status granted to refugees before 1980)	F	<u>I-94</u> with stamp showing admitted under Section 203(a)(7) of INA or <u>I-688B</u> (Employment Authorization Card) annotated "274a.12(a)(3)" or <u>I-766</u> (Employment Authorization Document) annotated "(a1)" or "(a3)"	Entry	Yes			

\*No quarters earned after 12/3/96 may be counted in which an alien has received a Federal means-tested public benefit (FA, SSI, Food Stamps or Medicaid.)

<sup>1</sup>REMINDER: For Medicaid, undocumented immigrants and non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid at *any time* without regard alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
A US citizen's or LPR's battered spouse or child, or parent or child of such person, who obtains "Notice of Prima Facie Case from USCIS under the Violence Against Women Act (VAWA)	B <sup>3</sup>	I-797 (Notice of Action) indicating prima facie eligibility of an I-360 self-petition under INA Section 204(a)(1)(A) (iii) or (iv); or INA Section 204(a)(1)(iii)(B) (i ) or (iii)	Entered Before 8/22/96	Yes	Yes	Yes	<b>Yes if:</b> <ul style="list-style-type: none"><li>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or</li><li>After five years in US in a qualified status or</li><li>In a qualified status and under age 18 or</li><li>In a qualified status and have 40 qualifying quarters</li></ul>
			Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained	Yes	Yes, after 5 years in US in a qualified status	Yes	
A U.S. citizen's or LPR's battered spouse or child, or parent or child of such person, whose I-360 self – petition under VAWA is approved		I-797 (Notice of Action) indicating approval of an I-360 self-petition under INA Section 204(a)(1)(A)(iii) or (iv), or INA Section 204(a)(1)(iii)(B) (i) or (iii)	Entered Before 8/22/96	Yes	Yes	Yes	
			Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained	Yes	Yes, after 5 years in US in a qualified status	Yes	
A U.S. citizen's or LPR's battered spouse or child or parent or child of such person, whose I-360 self-petition under VAWA is pending and is determined to be a credible victim of domestic violence by the social services district's Domestic Violence Liaison (DVL)		I-797 (Notice of Action) indicating pending I-360 self-petition under INA Section 204(a)(1)(A)(iii) or (iv), or INA Section 204(a)(1)(iii)(B) (i) or (iii)	Entered Before 8/22/96	Yes	Yes	Yes	
			Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained	Yes	Yes, after 5 years in US in a qualified status	Yes	

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
An alien determined to be a credible victim of domestic violence by the social services district's DVL with a pending or approved I-130 petition		I-797 (Notice of Action) indicating approval or pending I-130 visa petition under Section 201(b) of the INA (spouse or child of a U.S. citizen) or Section 203(a)(2)(A) (spouse of a permanent legal resident); <b>or</b> I-94 coded K3, K4, V1, V2 or CR -1-7 and a pending or approved I-130 <b>or</b> Any other USCIS document indicating the alien has a K or V visa and a pending or approved I-130; <b>or</b> I-688B or I-766 (Employment Authorization Documents) annotated (a)(9) or (a)(15)	Entered Before 8/22/96	Yes	Yes	Yes	
			Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained	Yes	Yes, after 5 years in US in a qualified status	Yes	
An application for VAWA cancellation of removal or suspension of deportation has been granted or is pending and the immigration court finds that applicant has a prima facie case for this relief	B <sup>3</sup> (cont'd.)	Order from the Executive Office of Immigration Review (EOIR) under INA 240A(b) or if the application is pending documentation that the court finds that the applicant has a "prima facie case" for this relief	Entered Before 8/22/96	Yes	Yes	Yes	
			Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained		Yes, after 5 years in US in a qualified status	Yes	

Yes, If:

- In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)]  
or
- After five years in US in qualified status  
or
- In a qualified status and under age 18  
or
- In a qualified status and have 40 qualifying quarters

## ALIEN ELIGIBILITY DESK AID

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Victim of Human Trafficking	D	Certification Document (for adults) or Eligibility Letter (for children) from the Office of Refugee Resettlement (ORR); Must call 1-866-401-5510 for verification <b>or</b> <b>I-94</b> Coded T1, T2, T3, T4 or T5 stating admission under Section 212(d)(5) of the INA if status granted for at least one year	Entry <sup>2</sup>	Yes			
Parolee (for at least one year) (Non-citizens who have been allowed to come into the U.S. for humanitarian or public interest reasons)	G	<b>I-94</b> with annotation "Paroled pursuant to Section 212(d)(5)" or "parole" or "PIP" with date of entry and date of expiration indicating one year <b>or</b> <b>I-688B</b> annotated "8 CFR Section 274a 12(a)(4) or 274(a) 12(c)(11)" <b>or</b> <b>I-766</b> annotated "C11" or A4, and <b>I-94</b> indicating admitted for at least one year	Lawfully Residing in U.S. on 8/22/96	Yes			
			Entered on or after 8/22/96	Yes	Yes, after 5 years in US in a qualified status	Yes	Yes, If: <ul style="list-style-type: none"> <li>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] <b>or</b></li> <li>After five years in US in qualified status <b>or</b></li> <li>In a qualified status and under age 18 <b>or</b></li> <li>In a qualified status and have 40 qualifying quarters</li> </ul>
Parolee (for less than one year)	T	<b>I-94</b> with annotation "Paroled pursuant to Section 212(d)(5)" or "parole" or "PIP" <b>or</b> <b>I-688B</b> coded 274a.12(a)(4) or 274a12(c) (11) <b>or</b> <b>I-766</b> coded A4 or C11	NA	Yes	No	Yes	No
North American Indian born in Canada	To be determined (PA)  C (MA)	<b>I-551:</b> (Permanent Resident Card): stamped "S1-3", temporary <b>I-551</b> stamp in a Canadian passport <b>or</b> <b>I-94:</b> stamped "S1-3" <b>or</b> <b>Tribal document</b> certifying at least 50% American Indian blood, as required by Section 289 of the INA or documented member of a federally recognized tribe <b>and</b>  School records, <b>or</b> A birth or baptismal certificate issued on a reservation, <b>or</b> Other satisfactory evidence of birth in Canada	NA	Yes			

<sup>1</sup> REMINDER: For Medicaid, undocumented immigrants and non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid *at any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

<sup>2</sup> For a Victim of Human Trafficking, ENTRY means the date of Certification by the Office of Refugee Resettlement (ORR) – See 03 ADM-1.



Description of Status	WMS/ ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Member of federally recognized tribe born outside U.S.	To be determined (PA) C (MA)	Membership card or other tribal document demonstrating membership in a federally recognized Indian tribe under Section 4(e) of the Indian Self-Determination and Education Assistance Act	NA	Yes			
PRUCOL (not in any of above statuses)	O (PA & MA) N (MA)	See <u>TASB</u> Chapter 24 See 6-15-01 MA-026 ATTACHMENT B	NA	Yes <sup>2</sup>	No <sup>2</sup>	Yes <sup>2</sup>	No
Undocumented immigrants or non-immigrants (aliens with a temporary immigration status)	E		NA	Treatment of emergency medical condition only <sup>1</sup>	No		

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<sup>2</sup> PRUCOL refers to aliens who are permanently residing in the US under Color of Law. A description of TA PRUCOL can be found in Temporary Assistance Source Book Chapter 24, pages 436 - 438. A description of MA PRUCOL can be found in GIS 04 MA/003 ATTACHMENT 1.

### United States Citizenship and Immigration Services (USCIS – Formerly INS) Documents

I-94	Arrival/Departure Record	I-571	Refugee Travel Document
I-130	Petition for an Alien Relative	I-688	Temporary Resident Card
I-181	Memorandum of Creation of Record of Lawful Permanent Residence	I-688A	Employment Authorization For Legalization Applicants
I-327	Reentry Permit of permanent residents	I-688B	Employment Authorization Card
I-485	Application to Register Permanent Residence or to Adjust Status	I-766	Employment Authorization Card
I-551	Legal Permanent Resident Card, Resident Alien Card or "green card"	I-797	Notice of Action (1-797C current version)

#### Footnote for Page 4 and Page 5

<sup>3</sup> There are four requirements for qualified battered alien status:

1. Be a credible victim of battery or extreme cruelty; and
2. Have appropriate immigration documentation; and
3. Be able to show a substantial connection between the need for benefits and the battery or extreme cruelty; and
4. No longer reside in the same household as the abuser.